

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JOHN BARNHARDT, ET AL. PLAINTIFF

VS. CIVIL NO. 4:65-cv-01300-HTW-LRA

UNITED STATES OF AMERICA INTERVENOR PLAINTIFF

VS.

MERIDIAN MUNICIPAL SEPARATE DEFENDANT  
SCHOOL DISTRICT

SETTLEMENT AGREEMENT HEARING

BEFORE THE HONORABLE HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE  
JUNE 30, 2021  
JACKSON, MISSISSIPPI

APPEARANCES:

FOR THE PLAINTIFF: MS. NATASHA MERLE  
MS. KRISTEN JOHNSON  
MR. JOHN CUSICK  
FOR THE INTERVENOR PLAINTIFF: MS. NATANE SINGLETON

FOR THE DEFENDANT: MR. JOHN HOOKS  
MR. JOHN COMPTON  
MS. JAIME DOLE, PARALEGAL

ALSO PRESENT: HOWARD HAGWOOD, PBIS DIRECTOR  
LAVONDA GERMANY, INCOMING PBIS DIRECTOR  
AMY CARTER, PhD, SUPERINTENDENT

REPORTED BY: AMY KEY  
Registered Professional Reporter

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1 THE COURT: Good morning. This is Judge Wingate on  
2 the line. I heard Adam when he gave the roll call, so I have  
3 the names of those who will be participating. But what I don't  
4 have is who will be speaking for the respective individuals and  
5 individual parties.

6 So who will be speaking for the plaintiffs?

7 MS. MERLE: Good morning, Judge. This is Natasha  
8 Merle. I can speak for the plaintiffs.

9 THE COURT: All right. And who will be speaking for  
10 Meridian Municipal Separate School District?

11 MR. HOOKS: Good morning, Your Honor. This is John  
12 Hooks, and John Compton is also on the line. He might have  
13 some comments as well, Your Honor.

14 THE COURT: Okay. And, finally, I know who is  
15 speaking for the United States because I don't have but one  
16 person.

17 MS. SINGLETON: Yes, Your Honor.

18 THE COURT: All right. Good morning, again.

19 MS. SINGLETON: Good morning.

20 THE COURT: Now, first of all, I have before me this  
21 settlement agreement, and I see that all parties have signed  
22 off on the settlement agreement.

23 Are there any questions with regard to this settlement  
24 agreement? I'll start with the plaintiffs. Do y'all have any  
25 questions about this settlement agreement or concerns about it?

1 MS. SINGLETON: Your Honor, this is Natane Singleton.  
2 I just wanted to clarify that it's a joint settlement agreement  
3 between the private plaintiffs and the Meridian Public School  
4 District. The United States is not a party to the settlement  
5 agreement.

6 THE COURT: Okay. And so on this joint settlement  
7 agreement, I'm back at the plaintiffs still: Are you satisfied  
8 with this joint settlement agreement?

9 MS. MERLE: Yes, Your Honor. This is Natasha for the  
10 plaintiffs. Yes, we have no concerns about the settlement  
11 agreement as we filed it in 2019 as being -- there are some --  
12 we will have to discuss issues concerning the notice and the  
13 dates proposed in the notice, as those dates will no longer  
14 work. But for the substance of the settlement agreement as  
15 filed at that time, it's fine with the plaintiffs.

16 THE COURT: And what about the Meridian School  
17 District?

18 MR. HOOKS: Good morning, Your Honor. Again, this is  
19 John Hooks. We do not have any questions about it.

20 THE COURT: All right. Now, I do have some questions.  
21 And I do have a court reporter here, and so I will have all of  
22 this recorded so that we can make a record of my questions and  
23 answers.

24 First of all, this Equity Assistance Center-South of  
25 the Intercultural Development Research Association, where is

1 that located?

2 MR. HOOKS: Your Honor, this is John Hooks. I believe  
3 that's in San Antonio, Texas.

4 THE COURT: And what relationship does this entity  
5 have with the parties here?

6 MS. MERLE: Hi, Your Honor. This is Natasha. The  
7 Institute has no -- I guess the entity is not the party and  
8 does not have a relationship with the parties, with the  
9 plaintiffs, or with the Meridian Public School District. The  
10 entity is an organization that provides resources and assists  
11 school districts that are attempting to accomplish various  
12 things in the school district.

13 THE COURT: And what is the character of that entity?  
14 Who owns it? What kind of entity is it, et cetera?

15 MR. HOOKS: Your Honor, this is John Hooks. My  
16 understanding of the Equity Center - and the Department of  
17 Justice might speak to this more eloquently - it is a  
18 federally-funded organization that exists somewhat  
19 independently of the other divisions of government to provide  
20 assistance to school districts that are attempting to achieve  
21 various, what you might call, equity issues, and they have been  
22 beneficial in helping school districts in a number of cases  
23 that we've been involved in, Your Honor.

24 THE COURT: So you're saying that that is a federal  
25 agency?

1 MR. HOOKS: Yes, sir. I do believe that's the case.  
2 They are a federal -- federally-funded agency.

3 THE COURT: Has anyone contacted this agency with  
4 regard to this settlement?

5 MR. HOOKS: Dr. Carter -- Your Honor, Dr. Carter, our  
6 superintendent, can speak to the facts that the Equity Center  
7 came -- or was consulted at some point in the past about  
8 whether they might be able to provide some type of assistance  
9 to the district at some point. I think the thought process,  
10 Your Honor, was that the district was very far along already in  
11 its efforts with regard to the PBIS discipline system and all  
12 sorts of other things. And because of their -- for a variety  
13 of reasons, I don't know that the center provided ongoing  
14 efforts in that regard. I don't know that they were really  
15 affected by or interested in, in any way, the settlement  
16 agreement.

17 THE COURT: How does one obtain the assistance of that  
18 entity? Is there an application process that requires any  
19 payment, or is this some sort of assistance that is given  
20 pro bono, et cetera?

21 MR. HOOKS: Your Honor, this is John Hooks again. I'm  
22 sorry.

23 MS. MERLE: Go ahead, John.

24 MR. HOOKS: I was going to say our history, Your  
25 Honor, with them is that they provide assistance, more or less,

1 without charge, except that in some instances, school districts  
2 pay their expenses for travel or for overnight accommodations  
3 and so on as part of various grants that they're funded  
4 through.

5 THE COURT: Okay.

6 MS. MERLE: And, Your Honor, this is Natasha for the  
7 plaintiffs, and I agree with what Mr. Hooks said, you know, in  
8 saying that it's pro bono. I believe - and maybe Dr. Carter  
9 could speak more to this - that Dr. Johnson at -- at this  
10 organization has been the contact for the school district in  
11 working and, you know, talking to the school district about  
12 what services could be provided, but we have not -- the  
13 plaintiffs have not been included in those conversations.  
14 Obviously, you know, it's the organization and the school  
15 district coming together to see what services can be provided  
16 to deal with some of the issues or to address some of the  
17 issues.

18 THE COURT: So. What --

19 DR. CARTER: Good morning.

20 THE COURT: So what type of technical assistance is to  
21 be expected from that organization?

22 DR. CARTER: Good morning, Judge Wingate.

23 THE COURT: Good morning.

24 DR. CARTER: Go ahead, John.

25 MR. HOOKS: No, you go ahead.

1 DR. CARTER: Good morning, Judge Wingate. I was about  
2 to say Mr. Hagwood and I had a chance to fly to San Antonio to  
3 meet with Ms. Johnson to discuss that very thing - the type of  
4 technical assistance. She was impressed with what the district  
5 had accomplished thus far regarding the components of the  
6 consent order and the deseg order, and we talked about  
7 opportunities for professional development going forward. And  
8 as the attorneys have said, it would be a pro bono service to  
9 the district when and if needed.

10 THE COURT: And, again, can you put some flesh on this  
11 skeleton and tell me more about this technical assistance?

12 DR. CARTER: Yes, sir. We discussed possibly having  
13 some professional development that would center on any  
14 component that the district identified regarding technical  
15 support in the area of equity as needed, if needed, and when  
16 needed; teacher recruitment, when and if needed; as well as any  
17 of the components of the consent order or the desegregation  
18 order that we deem necessary.

19 At the time that meeting took place in 2019, and so  
20 the district at this point has a manner to support progress in  
21 those areas. So this little conversation that we had  
22 post-pandemic, and, again, we're pleased to be able to show or  
23 discuss growth in those areas and if there would be a need for  
24 that technical assistance. So it's great to know that the  
25 district would have that support when and if needed. I hope

1 that put a little more clarity before you, Your Honor.

2 THE COURT: What other districts have been assisted by  
3 this organization?

4 DR. CARTER: Attorney Hooks, could you speak to that  
5 question?

6 MR. HOOKS: Your Honor, this is John Hooks. I can  
7 tell you that I have worked with the organization with regard  
8 to the Choctaw County School District and, very briefly, in the  
9 Winona-Montgomery Consolidated School District. And there  
10 might have been some conversations with regard to other  
11 districts, but it would have been somewhat attenuated.

12 THE COURT: So what did they do for those other  
13 districts? Can you --

14 MR. HOOKS: What they offered is -- yes, sir. In  
15 Choctaw, they offered some assistance with regard to the  
16 various items that Dr. Carter just enunciated. I think there  
17 were some opportunities for professional development. They did  
18 assist in looking at some aspects of the school district's  
19 gifted program and maybe the discipline program as well.

20 THE COURT: Okay. And how long -- or how much time  
21 did they consume in understanding the situation and then  
22 providing what they consider to be practical solutions? Over  
23 what period of time did that occur with those other districts?

24 MR. HOOKS: In Choctaw, Your Honor, I believe it  
25 occurred over a -- I'm going to guess, Your Honor, over an

1 approximately six-month period, three to six months. But in  
2 Choctaw and in Winona-Montgomery, it's a different story  
3 because those districts were not as far along as Meridian was  
4 already when the Equity Center was consulted.

5 So when the Equity Center came in, it's my  
6 understanding - and, again, Dr. Carter can correct me if I'm  
7 wrong on this. But my impression was, and what Dr. Johnson at  
8 the Equity Center shared with me, was that the district was  
9 already very advanced in what it was doing with regard to  
10 responding to all of these issues and in complying with its  
11 obligations under the consent decree, so that the type of  
12 services that they ordinarily provide would have been somewhat  
13 elementary for a district as advanced as Meridian was at that  
14 time.

15 THE COURT: Okay. Let's go to another topic now. I  
16 noticed that the students to be screened for the gifted program  
17 are students in the first grades and the third grades. So  
18 those are the only two grades that's going to be affected by  
19 the gifted program; is that correct?

20 DR. CARTER: Your Honor, those are the two grades  
21 where we screen formally all students. But any parent,  
22 educator, or administrator can recommend that a student be  
23 screened at any point for gifted services.

24 THE COURT: At any grade?

25 DR. CARTER: Yes, sir. For grades K through eight.

1 THE COURT: K through eight?

2 DR. CARTER: The eighth grade, yes, sir.

3 THE COURT: Is that in the agreement?

4 DR. CARTER: It's actually in our code of conduct.

5 It's in our materials that are presented to parents. In our  
6 discussions with Dr. Johnson, we had talked about the  
7 opportunity of making that information even more readily  
8 available to parents than we were already doing. So I would  
9 have to go back and look at the order, and maybe the attorneys  
10 could speak to that more if it's in there. But I don't think  
11 it identifies particular grade levels. And please forgive me  
12 if I'm speaking incorrectly.

13 THE COURT: I don't see, or maybe I missed it, but I  
14 don't recall reading anything that concerned any other grades  
15 but the first grade and the third grade.

16 Can someone show me or point out to me where this  
17 consent agreement advises about other grades and how a student  
18 can manage to join the gifted program?

19 MS. MERLE: Your Honor, this is Natasha for the  
20 plaintiffs. I think the agreement -- the agreement envisions a  
21 second screening, which, I believe, is paragraph -- I've lost  
22 it. There was a second screening, I believe, at the third  
23 grade -- I'm sorry -- paragraph 3.

24 THE COURT: Yes, it's in paragraph 3.

25 MS. MERLE: Yeah. The district would implement a

1 second universal screening test at the beginning of the third  
2 grade. We did not -- Dr. Carter mentioned K through eight,  
3 that a student can be screened and join the gifted program. We  
4 did not include that, but we did include that the district  
5 would make it -- you know, promote more of this opportunity so  
6 that parents could know that that is an op- -- that is an  
7 option and opportunity for those students if they do not -- if  
8 they're -- if they don't enter the program in the first grade;  
9 or if they don't enter at the third grade when there is a  
10 screening, the agreement envisions that the district would make  
11 it publicly known or that -- you know, disseminate that  
12 information to the parents.

13 THE COURT: Disseminate what information? That they  
14 can seek to gain -- enter into the program even beyond the  
15 third grade?

16 MS. MERLE: So I think in paragraph 6 -- I'm sorry --  
17 five and six --

18 THE COURT: Five and six?

19 MS. MERLE: Yeah. So I think it's paragraph 6 that  
20 mentions that the district will include -- their outreach would  
21 include publication of the program, including how students may  
22 be referred for gifted testing. But you are correct, Your  
23 Honor. We don't have in there that that opportunity is  
24 available to the students through the eighth grade.

25 THE COURT: No, it's not. That's why I asked the

1 question, because a plain reading of the agreement only  
2 concerns the first grade and third grade for entry into the  
3 gifted program. It doesn't say anything about any grades  
4 beyond that.

5 And then I don't quite understand that if a student is  
6 allowed admittance into the gifted program in either the first  
7 or third grade, does that carry through -- all the way through  
8 the eighth grade, or is it just a one-year program?

9 DR. CARTER: Your Honor, it carries through to the  
10 eighth grade.

11 THE COURT: All right. Now, that's not in here  
12 either. Now, is there some document that goes along with that  
13 that would advise the parents that it carries through, that  
14 once a student is in the program, that it carries through to  
15 the eighth grade? There's nothing in the document that says  
16 it.

17 MR. HOOKS: Amy, isn't that the procedure of the  
18 district, though? Once you're test -- once you test in for  
19 gifted, you stay in as long as you want to?

20 DR. CARTER: Yes, it is. That's the procedure of the  
21 district, yeah.

22 MR. HOOKS: The gifted only goes to the eighth grade?

23 DR. CARTER: Yeah.

24 THE COURT: So where do we find that, then?

25 MR. HOOKS: Well, it's not in a document, Your Honor.

1 It's just the way the -- it's the way the district's been  
2 operating for years.

3 DR. CARTER: And it's in our gifted procedural guide,  
4 so we can make that available, Your Honor.

5 THE COURT: Okay. And then the gifted program. Where  
6 would I discover the contents of the gifted program? That is,  
7 what is so special about the gifted program beyond regular  
8 classes? Where would I find what would be taught to the gifted  
9 students?

10 DR. CARTER: Those standards are released from our  
11 Mississippi Department of Education, so they're available  
12 there, as well as they're available in our district. So we can  
13 provide you a copy of that as well, Your Honor, if you'd like.

14 THE COURT: Yes, I would like to have a copy of that,  
15 too.

16 DR. CARTER: Yes, sir. We'll take care of that.

17 THE COURT: Then let's go to the next paragraph. "All  
18 teachers at the elementary level will complete a training  
19 workshop." Who is going to put that workshop together?

20 DR. CARTER: At the district level, we have an  
21 administrator that is responsible for oversight, along with  
22 consultation from our Mississippi Department of Education. So  
23 there's technical assistance that we can seek from the State  
24 Department, as well as we have a person in our district, as  
25 well as gifted teachers that have experience that provide

1 professional training and support.

2 THE COURT: Has anyone in the district undergone such  
3 training already?

4 DR. CARTER: Yes, sir.

5 THE COURT: Have you gone through it?

6 DR. CARTER: Actually reviewing the standards  
7 themselves? Yes, sir, I've seen the gifted standards.

8 THE COURT: Okay. Are these the gifted standards for  
9 teachers and/or students?

10 DR. CARTER: Yes, sir.

11 THE COURT: Okay, then. So talk to me about the  
12 gifted standards for the students.

13 DR. CARTER: The gifted standards for the students  
14 speak to various types of activities that students will  
15 participate over the course of the year. Teachers develop  
16 lesson plans on a weekly basis that are reviewed by  
17 administrators. It takes a deeper dive into diverse, advanced  
18 thinking for students, as well as tasks, projects that students  
19 complete over the course of the year.

20 THE COURT: And the expected qualification of the  
21 teachers, what would that be?

22 DR. CARTER: Those teachers have to, number one, hold  
23 a certification -- a regular certification, as well as an  
24 endorsement in gifted. So they have to be licensed by the  
25 Mississippi Department of Education.

1 THE COURT: And you say that is an endorsement for  
2 gifted --

3 DR. CARTER: Yes.

4 THE COURT: -- teachers?

5 DR. CARTER: Yes, sir.

6 THE COURT: Okay. And back to this test that the  
7 students are to take in the first grade and the third grade,  
8 when they are to be evaluated under this selective test. Is  
9 that test objective, or subjective, or is it a combination of  
10 both?

11 DR. CARTER: Well, it's, I would say, a combination of  
12 both, because the first thing we do, the students are screened,  
13 and we look at that screening with that, and we also look at  
14 teacher recommendations to be able to determine if a kid hits a  
15 certain test score, could you also look at that recommendation  
16 of the teacher or the parent in making the decision that the  
17 child is allowed to participate in gifted.

18 THE COURT: This universal test, have you seen a copy  
19 of that test?

20 DR. CARTER: Not as -- as of recent. Years ago I did,  
21 when I was a school principal. But I could get my hands on  
22 that if I need to.

23 THE COURT: I would like to see one.

24 DR. CARTER: Yes, sir.

25 THE COURT: And from what you remember of that test,

1 how objective was that test?

2 DR. CARTER: The last time I saw it, I thought it was  
3 pretty objective. But I also have Ms. Germany on the call, who  
4 is our element- -- our former elementary curriculum director.

5 Ms. Germany, can you speak to any components of the  
6 test that you can recall?

7 MS. GERMANY: From what I can recall, the test -- you  
8 know, we know it's done one-on-one with students once they pass  
9 certain assessments, but with that, it is objective, but the  
10 students have to be able to work puzzles. So it deals with  
11 higher order of thinking, is one of the main objectives of it,  
12 so how they handle that thinking kind of outside of the box.

13 THE COURT: How do you ensure that the test is  
14 poverty-proof? Race-proof? How do you ensure that the test  
15 meets those standards?

16 MS. GERMANY: Your Honor, I don't know if you're  
17 directing that towards me. This is LaVonda Germany. I'm not  
18 familiar with how that test is selected. That would be from --  
19 you know, from the director over the gifted department, so I  
20 personally am not familiar with how that assessment is  
21 selected.

22 THE COURT: Does anyone have any statistics on the  
23 prior selection of the various students as to -- as to  
24 economics or race?

25 MS. MERLE: Your Honor, this is Natasha for the

1 plaintiffs. We do not -- I do not, I don't believe, have  
2 current data on that. I believe we had data on that a couple  
3 of years ago when we were, you know, negotiating this  
4 agreement. And I could go back and pull that data, and I'm  
5 sure Dr. Carter probably has the data available as well.

6 I think you also asked about economics or  
7 poverty-related data, and we -- the plaintiffs have requested  
8 that information, actually, and I believe the Court denied that  
9 request. So I do not have that data.

10 THE COURT: Okay. Well, what data do you have? You  
11 have just race data?

12 MS. MERLE: Yes, we -- we did have race data. I would  
13 have to go back. And I believe the most recent race data we  
14 probably had was from 2018/2019 when -- because once the  
15 agreement -- once we came to an agreement, we did not have that  
16 data. But we did have older year version -- or older years'  
17 data.

18 THE COURT: All right. And further discussing the  
19 tests, are the objective components of the tests in any way  
20 reminiscent of the format for an ACT, SAT, IQ test? Is it in  
21 any way similar to any one of those or have any components from  
22 any one of those tests? I'm just talk- -- I know they won't be  
23 the same type questions, I mean, because the questions on an  
24 ACT, SAT would be too complicated. But I'm just asking whether  
25 it's the same type of format, as well as IQ? Does anybody

1 know?

2 MR. HOOKS: Your Honor, this is John Hooks. My  
3 understanding and my recollection - again, I'm not an educator;  
4 I'm a lawyer - is that the test had components of it that were  
5 more in the line and nature of puzzle-solving, of putting  
6 puzzles together. Now, I'm not, obviously, a psychometrist and  
7 know exactly what that is seeking to do. But my understanding  
8 as a layperson, in terms of the way I interpreted what was  
9 being explained to me, is that it's measuring all sorts of  
10 things that are important to the gifted child in terms of  
11 creativity and problem-solving and their perspective on  
12 different things and so on. I don't think that -- I didn't  
13 understand it to be an IQ test, as much as it's an assessment  
14 of the gifted capabilities of the child.

15 THE COURT: Well, is -- is IQ taken into account on  
16 admission to the gifted program? Is that one of the assessment  
17 factors?

18 DR. CARTER: I think it's considered, but it's not the  
19 sole factor. It goes back to what Attorney Hooks was sharing,  
20 basically to look at a child's thought process and their  
21 ability to think critically, think creatively. When I think  
22 about the ACT and the PSAT, sometimes that's based on exposure  
23 to certain content that's taught in a classroom versus you  
24 could take a student on this particular test and look at their  
25 approach to thinking and make a decision. So when you're

1 looking at that component, along with teacher recommendations,  
2 parent recommendations, there's a survey that the teachers  
3 complete, a survey that the parents complete in order to be  
4 able to make a determination of this child's ability to think  
5 through -- or critically think through certain problems or  
6 certain tasks that's put before them.

7 THE COURT: Okay. Doctor, let me ask you this  
8 question: What's your view of the IQ test?

9 DR. CARTER: My personal view of the IQ test?

10 THE COURT: Yes.

11 DR. CARTER: I think it's valid when you're making  
12 certain decisions regarding students, but I also think you have  
13 to take into account a student's ability to think, to process.  
14 When I look back over the years as a former school-level  
15 administrator and now a district-level administrator, I  
16 remember being in a school where at one point we did not have a  
17 lot of minority students that were selected for the gifted  
18 program. And so the district at that time looked at not just  
19 the critical thinking component, but could kids be gifted in an  
20 artistic format?

21 And so I would have more students that would qualify  
22 for gifted by looking at different components and their thought  
23 process versus just their IQ. And I think the district has  
24 done a better job of that over the years. So that's just my  
25 personal view, Judge Wingate. I'm sure you have some others on

1 the call that may be able to weigh in a little bit better than  
2 I did.

3 THE COURT: I am persuaded that IQ tests are not  
4 necessarily indicative of critical thinking. First of all, the  
5 tests have been shown to be -- to be not really reflective when  
6 it comes to certain groups of people or certain, for that  
7 matter, poverty levels of people.

8 Next of all, the IQ is not a stable number; it moves.  
9 Even though many take the position that an IQ test is a stable  
10 number that follows a person throughout one's life, I disagree  
11 because the IQ changes. And one can take an IQ test at one  
12 point in someone's life, and then later, after being exposed to  
13 various stimulus in society, score significantly higher at a  
14 later stage.

15 And, in addition, intelligence is not comprised solely  
16 of what is the age of the IQ, because there's creativity IQ.

17 And, finally, the IQ test doesn't really perform all  
18 of the tasks that most educators think it does perform.

19 So I was just asking: What role would a format like  
20 the ACT, SAT, and the aptitude, and IQ test play in a select --  
21 in the selection of students for the gifted program?

22 Can -- well, Doctor, can you then send me the format  
23 that Mississippi has used in the past for the selection of  
24 gifted students?

25 DR. CARTER: Yes, sir, I sure can.

1 THE COURT: Okay. And then we can look at it and have  
2 a discussion on it. Let me move on to another matter.

3 I see that students can be referred, and so I think  
4 that's a good component. And what I imagine is that any  
5 teacher could refer a student for the gifted program; is that  
6 correct?

7 DR. CARTER: Yes, sir, that's correct.

8 THE COURT: Okay. What about a parent who  
9 is disturbed that his or her child was not selected? Is there  
10 a mechanism to that?

11 DR. CARTER: Yes, sir. There is a process a parent  
12 can use to contest or appeal an outcome of a test. Yes, sir.

13 THE COURT: Okay. And is that in the program guide  
14 describing the test?

15 DR. CARTER: Yes, sir. Those steps are available for  
16 a parent where they can attest -- or contest the results. Yes,  
17 sir, that's available.

18 THE COURT: Okay. Let's move now to the magnet  
19 program. I understand that this technical assistance to be  
20 provided by the entity I discussed before would chime in as to  
21 whether the district would have the feasibility of developing a  
22 magnet program.

23 Do you intend to look at any particular model as to  
24 whether this district should employ a magnet program?

25 DR. CARTER: Your Honor. When we met with Dr. Johnson

1 back in 2019, we had discussions about possible models. We  
2 also returned and started looking at enrollment numbers, our  
3 declines and increase, as well as stabilization in schools.  
4 And so the goal was always to look at magnet opportunities, but  
5 to make sure we don't do it in a way that will work against  
6 minority students or students being enrolled in the district.

7 THE COURT: Are you familiar with any magnet schools?

8 DR. CARTER: Yes, sir, I am.

9 THE COURT: Are you familiar with the ones up in  
10 Jackson?

11 DR. CARTER: Yes, sir.

12 THE COURT: What do you think about Bailey Magnet, for  
13 instance?

14 DR. CARTER: I'm sorry. Could you say that again,  
15 Your Honor?

16 What do you think about Bailey -- Bailey Magnet?

17 DR. CARTER: The Bailey Magnet School, I am somewhat  
18 familiar with that one. I believe there is the Barack Obama  
19 Magnet School as well in Jackson.

20 THE COURT: Okay. And what do you think about the  
21 magnet schools in general that you have seen?

22 DR. CARTER: The ones that I have seen, if you can  
23 ensure that you pick programming that will give all students an  
24 opportunity to tap into the genius within them or to explore  
25 their interests, I think they're very beneficial for students.

1 What we don't want to do is look at magnet opportunities that  
2 stifle or limit opportunities for students.

3 THE COURT: Have you looked at IB programs?

4 DR. CARTER: IB programs? Not -- not as of late, no,  
5 sir.

6 THE COURT: All right. Is there any time that you  
7 looked at them?

8 DR. CARTER: No, sir.

9 THE COURT: Okay. Do you have an overall impression  
10 of the IB programs?

11 DR. CARTER: I don't.

12 THE COURT: All right. Let's move on to the -- oh, in  
13 this ninth paragraph, under "Magnet Program," it's mentioned  
14 that the district shall conduct a community survey to  
15 determine, among other things, what magnet theme would be most  
16 attractive to the community. What does that mean? "Magnet  
17 theme?"

18 DR. CARTER: What the district intended to do was to  
19 be able to find out, should we look more at workforce  
20 opportunities, technical programs, artistic programs? What  
21 would be the programs that will assist in preparing our  
22 students to have exploration opportunities, but as well as  
23 possibly prepare them for opportunities of work that will pique  
24 their interest in that particular area?

25 We have one of the strongest career technical programs

1 in East Mississippi and throughout our State. So we had  
2 discussions about: Could we look at middle school programming  
3 that could feed into those programs? Meridian is also known as  
4 an art community. Could we look at programs that could feed  
5 into those art opportunities?

6 So when we talk about "theme" programs, it is  
7 exploration of where our students' interests would lie, what  
8 programs could prepare them for better employment opportunities  
9 in East Mississippi. So that was what was meant by that  
10 particular topic.

11 THE COURT: So when you say looking at work  
12 opportunities, are we talking about programs that are related  
13 to trades, like automobile, mechanics, things like that?

14 DR. CARTER: Yes, sir. We wanted to look to see if we  
15 were to look at engineering or technology programs, could some  
16 of those programs feed into our high school opportunities for  
17 our students as well. Yes, sir.

18 THE COURT: What about college preparatory?

19 DR. CARTER: Definitely. I'm sorry, Judge Wingate?

20 THE COURT: Go ahead.

21 DR. CARTER: I was going to say definitely an  
22 opportunity as well. We offer advanced placement courses, but  
23 we also wanted to look at do we have students that are already  
24 on a high school credit in middle school and that enter high  
25 school and that could have opportunities to graduate from

1 Meridian High School with AA degrees along with their high  
2 school diploma.

3 THE COURT: Yeah, I saw that. And I like that trend  
4 that's being started around the State.

5 But on this magnet theme, would a student be  
6 pigeonholed into one theme, or can a student pursue more than  
7 one theme?

8 DR. CARTER: The best thing would be to create a  
9 program where students could pursue more than one theme.  
10 That's why we did not want to look at servicing certain schools  
11 on certain parts of town. We wanted to really be able to look  
12 at - because Meridian currently has three middle schools - how  
13 could we create a program that would allow students to explore  
14 initially and then pick multiple options and not be pigeonholed  
15 to one particular theme or one particular career option or  
16 choice or pathway.

17 THE COURT: All right. Let's move on now to something  
18 else. On the "Grow Your Own" teaching field program, have you  
19 already in place anything similar to this type of a program  
20 which aims to reach out to college students to interest them in  
21 a teaching career?

22 DR. CARTER: Yes, sir, we have. We currently have a  
23 Teacher Academy Program in our high school in our career and  
24 technical programming. So we start by encouraging students to  
25 explore the teaching profession as early as the tenth and

1 eleventh grade. And so students can earn a dual-enrollment  
2 certification through that program and actually leave Meridian  
3 High School and enter into our community college or our local  
4 Mississippi State campus. So that's one option that we pursue  
5 with encouraging students to take that teacher academy route.

6 We also partner with local universities in our area -  
7 Mississippi State, as well as William Carey - to consider  
8 alternate route opportunities for teachers to become certified.

9 It's no secret that there is a shortage in finding  
10 math educators, science educators. And so we've been able to  
11 encourage other professionals to consider becoming licensed  
12 teachers in our area, and we're finding some success in that  
13 particular area with the "Grow Your Own" program.

14 THE COURT: I made a note about incentives. What  
15 incentives would you offer? First of all, what incentives with  
16 regard to competitive salary do you think would be offered? I  
17 know that's controlled by the State, but do you think that's  
18 enough just in passing?

19 And, secondly, on this matter of incentives, are there  
20 any plans to give those -- are there any requests -- are there  
21 any matters on the drawing boards aimed at providing incentives  
22 for those distressed areas, like math and science, and also for  
23 male teachers?

24 DR. CARTER: Your Honor, Meridian is leading the  
25 State, I would say, in incentives. We are blessed to have what

1 we call the Phil Hardin Foundation in our area, and they are a  
2 foundation that supports us, after we write grants, in helping  
3 us put teacher incentives in place. We do everything from  
4 signing bonuses up to \$2,000 for educators that will join some  
5 of our once harder-to-staff schools. Thank goodness, here we  
6 are, two years later after the pandemic started, and we are not  
7 having the issues we had years ago with teacher recruitment.  
8 So we do a \$2,000 signing bonus. We also do bonuses for  
9 teachers who will agree to mentor young teachers.

10 We are continuing to look at ways to capitalize and  
11 explore in making Meridian marketable as it relates to  
12 incentives. So we're doing signing bonuses now, and that's  
13 proven to be successful for us.

14 THE COURT: How do we compare with the southeast  
15 average for pay for teachers?

16 DR. CARTER: We are still one of the lowest in the  
17 area. I want to commend our legislatures for at least making  
18 the investment and continuing to make the investment. This  
19 most recent teacher increase was for new teachers starting. So  
20 how -- LaVonda, we're up to what? About 40,000 for a new  
21 teacher now?

22 MS. GERMANY: That is correct, Dr. Carter.

23 DR. CARTER: But is still puts us at a disadvantage  
24 being right next door to Alabama, where they are a little bit  
25 above us.

1 THE COURT: How much above?

2 DR. CARTER: You're going to make me Google.

3 THE COURT: Okay.

4 DR. CARTER: I think at this time it's about 4,000,  
5 but I'm not sure if that's the exact number now.

6 MR. HOOKS: Judge Wingate, this is John Hooks again.

7 I can -- Dr. Carter can speak to the fact, though, that  
8 Atlanta's salaries are what? 10- or 12,000 higher --

9 DR. CARTER: Yes, sir.

10 MR. HOOKS: -- Dr. Carter?

11 DR. CARTER: When I went to Alabama at one point, and  
12 came back to Mississippi, I got a \$6,000 increase.

13 THE COURT: Okay. Well, that's something that the  
14 whole State has to work on.

15 DR. CARTER: Yes, sir.

16 MR. HOOKS: I think everybody on this call can agree  
17 on that. Absolutely.

18 THE COURT: Yeah, I think so.

19 Now I want to ask you about this "social  
20 justice-oriented district-based 'Grow Your Own,'" but I'm  
21 asking about "social justice orientation." What is that? It's  
22 mentioned in -- the first time it's mentioned is over here in  
23 paragraph 13, that, "The District will continue to develop a  
24 robust, exciting, and social justice-oriented district-based  
25 'Grow Your Own' program." But what is "social

1 justice-orientation?"

2 DR. CARTER: We have a practice, Judge Wingate, where  
3 we focus on restorative justice.

4 THE COURT: I saw that one, too.

5 DR. CARTER: So I apologize that I can't speak to the  
6 social justice piece as much as I can speak to the new  
7 educators coming to our district. We spend a lot of time  
8 pouring into them on the importance of ensuring that you are  
9 building relationships with your students so that you can  
10 understand their backgrounds, the gifts that they bring to the  
11 classroom, as well as some of the challenges that they bring to  
12 the classroom.

13 And so as an educator, how can you, as the adult,  
14 create a learning environment where all students can be  
15 successful, even when they make choices that are not always the  
16 best choices? So how do we create a practice of grace and  
17 forgiveness for students when they make decisions that are not  
18 favorable, and how do we repair the damage when those types of  
19 things happen? And that starts with the adults in the learning  
20 environment.

21 THE COURT: Okay. That restorative practice is  
22 mentioned under "Discipline," paragraph 23, and I have put a  
23 question mark in both places where it appears under  
24 "Discipline." There might have been more than that. Let me  
25 see. Hold up. That's all I put on there, just those two

1 places -- well, no, it's on -- it's also in paragraph -- at the  
2 end of paragraph 25, too.

3 But that is restorative -- restorative justice is to  
4 work with students who have encountered difficulties with their  
5 discipline and need some corrective models for behavior? Is  
6 that what this is?

7 DR. CARTER: Yes, sir. And those corrective models  
8 aren't always punitive. They're corrective models, again, that  
9 will correct the behavior and help students take a better  
10 approach to thinking through situations when they're faced with  
11 those again, if again.

12 THE COURT: Okay.

13 MR. HOOKS: And, Your Honor, if I could add to that,  
14 too. This is John Hooks again. I think that what we all see  
15 that as is a potential avenue to decrease exclusionary  
16 discipline among students. So, for example, if a student is  
17 upset and he calls his teacher, you know, an expletive or some  
18 kind of inappropriate name, the thing might be for him to have  
19 a brief period to cool down, and then give him the opportunity  
20 to sit down with the teacher and apologize to him or her, as  
21 opposed to being sent to out-of-school suspension or what have  
22 you. So that's the idea behind it, is it gives a further  
23 opportunity for some alternative, other than a punitive measure  
24 or a punishment that certainly would involve exclusionary  
25 discipline.

1 THE COURT: Okay. Thank you. The rest of the  
2 agreement is self-explanatory, and I have no problems with  
3 anything thereafter. I don't necessarily have any problems  
4 with what we've just mentioned. I just wanted some explanation  
5 on some things.

6 Now, this settlement agreement has to be, first,  
7 looked over by the Court to determine whether the Court is  
8 satisfied with it. And I think that once you send me the other  
9 information, that I won't have any problems with the settlement  
10 agreement. And then, next, the matter has to have a fairness  
11 hearing.

12 So why don't we get a tentative time frame for the  
13 fairness hearing? Because I don't think that anything you  
14 submit to me is going to derail the agreement. I just think it  
15 would give me some more education as to what is expected, and  
16 then for the parties to put that information into the  
17 guidebooks, like the one on the gifted program where people can  
18 find this information out, and then there can be a reference to  
19 those matters so that one would know where to find these things  
20 that I've mentioned.

21 Now, what about the fairness hearing? Who wants to  
22 talk to me about the fairness hearing and the scheduling  
23 therefor?

24 MR. HOOKS: Your Honor, this is John Hooks again. We  
25 have worked out some tentative dates that you might have seen

1 earlier, and those dates are more or less the correct time  
2 frame in terms of the sequencing. We do think, in some  
3 discussions that we were able to have among the parties prior  
4 to this call, that proposing some dates in October to come  
5 before the Court might be a good time for everybody given we've  
6 got some personnel issues and so on that will make some  
7 individuals unavailable until that time, and some other matters  
8 too, including the fact that we want to -- or need to have some  
9 opportunity to make these various publications, as the Court is  
10 well aware, in the local newspapers, et cetera. So that's,  
11 essentially, a time frame that we've come up with that is  
12 mutually beneficial for everyone and we put before the Court,  
13 sometime in October.

14 THE COURT: I'll work with you on that. You know, I  
15 would have approached all of this a whole lot sooner. But I  
16 don't know if you-all know, but I tried a lawsuit that lasted  
17 for almost three months -- or two months down on the coast,  
18 down in Gulfport, and then that plus the post-trial matters,  
19 and then plus the COVID matters that shut us down. Otherwise,  
20 we would have done this a long time ago.

21 But I will work with you on the schedules that you  
22 want, because now we are thawing out some. So we have opened  
23 our courthouse even more than we have in the recent months, and  
24 I've had probably more trials than anybody during this time  
25 period. But I had to be careful on scheduling these matters,

1 and I tried mostly to do it by Zoom. But those trials we had  
2 in the courtroom had to be conducted, as you would recognize,  
3 in a very cautious manner because of the fear of the  
4 participants and also the fear of the Court that these  
5 participants might come down with the virus. So we've been  
6 most cautious.

7 But I think that sometime in October is going to be  
8 fine, anytime in October. Do you have a specific date in  
9 October?

10 MS. MERLE: Your Honor, may I interject? This is  
11 Natane Singleton for the United States. Just on that point,  
12 sir, I know you mentioned holding hearings by Zoom. And the  
13 parties have actually spoken about this, and we are all okay  
14 with the possibility of a virtual hearing. Just so that you  
15 know, the Federal Government is still closed. We're not in the  
16 office yet. And so out of an abundance of caution, we're  
17 respectfully requesting that option. And just so you know,  
18 Your Honor, we've had several hearings - you know, "we" being  
19 the Federal Government of the United States - have had several  
20 hearings virtually. So I think, given that we're not even in  
21 the office yet, out of an abundance of caution, we would  
22 respectfully request that option here with you, sir.

23 THE COURT: If you're not open and the Court sees that  
24 the option is a practical and feasible one, then I'll certainly  
25 go to that. So I will pursue that, yes.

1 MS. SINGLETON: I appreciate that, sir. And if it  
2 meant, you know, a hybrid where some people who are able to  
3 travel -- I mean, as you know, we would need to travel as well,  
4 so there's risks involved with that. So then maybe for those  
5 who didn't need to travel, if they felt comfortable, if the  
6 Court wanted some sort of hybrid, that maybe the Court might  
7 consider that as well. But just from our perspective, we're  
8 trying to be particularly cautious with the travel involved as  
9 well.

10 THE COURT: Yes. And I want to look out for you on  
11 that, too. So --

12 MS. SINGLETON: Thank you, sir.

13 THE COURT: So we'll take all of these precautions,  
14 and we have been doing this. So we have not ramrodded just  
15 full speed ahead recklessly, but we have our courtroom  
16 decorated with all of these shields in here right now. We have  
17 these plastic shields in here for witnesses, for jurors, for  
18 lawyers. We have all kinds of whistles and bells in here. And  
19 so we have, at present, been successful in how we have tried to  
20 handle things.

21 In addition, I have always -- during this time period,  
22 I have submitted questionnaires to the participants on their  
23 particular concerns, and so that is, who in the family might  
24 have already contacted the virus? Who feels that he or she  
25 might be at high susceptibility of risk, et cetera? So we've

1 done all of those things. And so we would continue to do it.  
2 And with regard to this hearing, we will continue to follow  
3 protocols.

4 So well before October, I will have a sense of where  
5 we are with regard to these particular perils, and I'll be back  
6 in contact with you-all to make suggestions as to alternatives.  
7 So thank you for bringing that up. But we will endeavor to do  
8 that, because we still have some criminal matters that we've  
9 had to go forward on because of speedy trial considerations.  
10 And so we have gone the Zoom route and every other route that  
11 we could fashion in order to protect everybody but,  
12 nevertheless, to reach those concerns under the speedy trial  
13 considerations. So I will definitely endeavor to make sure  
14 everybody is safe.

15 So, now, let's talk about some dates. Can we get back  
16 to some dates in October?

17 MS. MERLE: Your Honor, this is Natasha. I don't mean  
18 to belabor this point. I think you mentioned that you would  
19 get back to us closer in October or closer to the -- you know,  
20 whatever dates we pick to see how we can do this via Zoom  
21 and/or in person. And I think for the notices that Mr. Hooks  
22 mentioned, I think we'll have to give notice to the class  
23 whether the hearing will be in person only or via Zoom. So I  
24 would flag that to the extent that we're going to have to maybe  
25 put out these notices in September or -- yeah, in September --

1 late August/early September. For class members, they're going  
2 to need to know how they can join the hearing.

3 THE COURT: You're saying by September?

4 MS. MERLE: Yes.

5 John, do you remember? I think we had proposed  
6 mid-September for sending out these notices? I can check that.  
7 But the notices that the school district will put in the local  
8 newspapers to tell the class about the hearings, I believe we  
9 were going to put September 20th -- well, September -- in  
10 mid-September, I believe.

11 THE COURT: Mid-September?

12 MR. HOOKS: Yes, sir.

13 THE COURT: Okay. What if I just get back to you at  
14 the first of September? How is that?

15 MS. MERLE: That's -- that works for us.

16 THE COURT: I mean, I just want to -- so I could tell  
17 you how I view the risk factor and whether the risk factor is  
18 such that we might need to look at the other alternative  
19 instead of in-person hearings.

20 MS. SINGLETON: That would be great, Your Honor. This  
21 is Natane Singleton again. I just wanted to add, again, that  
22 the risk factor would include getting on a plane, for those of  
23 us who are not in Mississippi, and staying in hotels and those  
24 sorts of things. So I just wanted to flag that as well.

25 THE COURT: Okay. I will take all of that into

1 consideration. So the first of September. Let's see. Give me  
2 a date.

3 THE CLERK: September the 1st at 9:30, sir.

4 THE COURT: September the 1st at 9:30? Is that okay  
5 for a telephone call?

6 MS. MERLE: Yes, Your Honor.

7 THE COURT: Is there anyone who is opposed to  
8 September 1st, 9:30, for the status conference at that time?

9 MS. SINGLETON: No, Your Honor. No objection.

10 THE COURT: Okay. I hear no negatives. So then on --

11 MR. HOOKS: No objection, Your Honor.

12 THE COURT: Okay. So then on September the 1st, I'll  
13 get back to you.

14 MR. COMPTON: Your Honor, this is John Compton. We  
15 had -- the attorneys had tossed around some dates in October  
16 for the fairness hearing. Could we go ahead and kind of pencil  
17 those in, and then the September meeting you can flesh out how  
18 we're going to go forward in October?

19 THE COURT: I can do that. So what's the October date  
20 you would like?

21 MR. HOOKS: Your Honor, this is John again. We had  
22 looked at October the 12th or the 15th.

23 THE COURT: The 12th or the 15th?

24 MR. HOOKS: But we only need one day -- one of those  
25 days, Your Honor.

1 THE COURT: Okay. One day between October 12th and  
2 15th?

3 MR. HOOKS: Yes, sir.

4 THE COURT: All right. If everybody would mark that  
5 out, then we'll be in business as to the hearing date. Does  
6 anyone have a conflict on those dates? October 12th through  
7 15th?

8 I hear no negatives.

9 MS. MERLE: No, Your Honor.

10 THE COURT: All right. I hear no negatives.

11 Now, we now have the date in September when I'll get  
12 back to you to talk to you about the protocol, and then we have  
13 the date set for the hearing.

14 There's one other matter that I want to especially  
15 bring up. And there are some motions that are still sitting on  
16 my docket. Now, I think all of these motions have been dealt  
17 with, but I just want to be sure. So there's a motion that's  
18 filed by John Barnhardt. It's at Docket No. 86, motion to  
19 compel production of documents. And there's a motion that's  
20 filed in Docket No. 119, also by John Barnhardt, motion for  
21 extension of time to complete discovery.

22 Are these motions now moot? I'm speaking to --

23 MR. HOOKS: Your Honor, this is John Hooks for the  
24 school district. I believe our discussions among counsel  
25 previously indicated that those are moot now; is that correct,

1 Natasha?

2 MS. JOHNSON: Yes, Your Honor. This is Kristen  
3 Johnson for the plaintiffs. Yes, those motions at Docket 86  
4 and Docket 119 are moot at this point.

5 THE COURT: Okay. Moot. I'm going to do an order on  
6 it.

7 MS. JOHNSON: Yes.

8 THE COURT: There's another one. There's Docket  
9 No. 148 that's also filed by Barnhardt, motion for protective  
10 order. Docket No. 148, is that also moot?

11 MR. HOOKS: Yes, sir, I believe it is. This is John  
12 Hooks for the school district.

13 MS. JOHNSON: Your Honor, this is Kristen Johnson --  
14 sorry. Go ahead.

15 MS. MERLE: Sorry. I thought, Your Honor, that you  
16 had granted that motion and the district was -- that was the  
17 discussion about the discipline files, and I thought we had had  
18 a hearing previously where that was granted. But either way,  
19 Your Honor, it is now moot.

20 THE CLERK: Okay. So all of the documents -- so it  
21 now is moot. I've already ruled on it, but the motion itself  
22 is now moot?

23 MS. MERLE: Yes, Your Honor.

24 THE COURT: Then there is Document No. 158, joint  
25 motion for settlement agreement and authorization of notice.

1 That's what we're doing now. And is that motion still  
2 outstanding as a motion?

3 MS. MERLE: Your Honor, this is Natasha. I believe  
4 so. I think -- yes. I think you would have to either grant or  
5 deny it before we could go to the fairness hearing. Is that  
6 the motion you're referring to, Your Honor?

7 THE COURT: That's correct.

8 MS. MERLE: The one that's -- yes.

9 THE COURT: I'm going to grant the motion. I just  
10 want the documents to explain some matters. But at present, I  
11 don't see any reason why I would not grant the motion. I will  
12 craft an order to explain this.

13 And then there is Document No. 160, and that's an  
14 unopposed motion to lift the stay. Now, are the parties still  
15 in agreement to lift the stay so I can grant the motion?

16 MS. MERLE: Yes, Your Honor.

17 MS. SINGLETON: Yes, Your Honor.

18 MR. HOOKS: Yes, Your Honor.

19 THE COURT: And then, finally, there's Document  
20 No. 161, and that's a motion to -- for withdrawal of attorney.  
21 Is that motion still outstanding?

22 THE CLERK: That was filed yesterday.

23 MR. COMPTON: I believe that was just filed, was it  
24 not?

25 THE COURT: Yeah, it was filed --

1 MR. HOOKS: I think that's the one, Natasha, you just  
2 filed, right?

3 MS. MERLE: I'm sorry, Your Honor. Yes. The motion  
4 to withdraw those attorneys yesterday, yes, Your Honor, that's  
5 still outstanding.

6 THE COURT: Okay. I have not had a chance to study it  
7 yet. Is there going to be a response to this?

8 MR. HOOKS: No, sir, Your Honor. This is John Hooks  
9 for the school district. We do not oppose that motion.

10 THE COURT: Okay. And you do not oppose it?

11 MR. HOOKS: No, sir.

12 THE COURT: I'm going to grant it then. Now, let me  
13 see about Docket No. -- let me see.

14 THE CLERK: 150.

15 THE COURT: Yeah. I've got to go to -- 119 is there.  
16 One second. So the next one is...

17 (SHORT PAUSE)

18 THE COURT: All right. Now, then, I need to go over  
19 motions filed by an entity -- by Meridian. 140. Motion to  
20 deem its motion for unitary status as confessed as to the  
21 Department of Justice, Docket No. 140.

22 MR. HOOKS: Your Honor, this is John Hooks. I think  
23 at this point we did get an answer from the Department of  
24 Justice that they do not oppose our motion, so I don't know  
25 that the Court needs to move forward on that one, Your Honor.

1 We withdraw it.

2 THE COURT: You're withdrawing the motion?

3 MR. HOOKS: Yes, sir.

4 THE COURT: Okay. It is withdrawn. Well, it was  
5 filed by Meridian, now. So then Mr. Hooks, you are withdrawing  
6 it on behalf of Meridian, that's correct?

7 MR. HOOKS: Yes, sir.

8 THE COURT: Okay. Withdrawn. And then there's  
9 Document No. 150, and that's a supplemental motion for  
10 extension of time to complete discovery. Is that now moot?

11 MR. HOOKS: Yes, sir, it is moot.

12 THE COURT: Okay. That's moot. I think there's only  
13 one left, and that is Docket No. 53. And that's a motion for  
14 declaration of unitary status filed by Meridian.

15 MR. HOOKS: Yes, sir. I think that's the one we were  
16 interested in keeping as our motion that we're moving forward  
17 on.

18 THE COURT: Motion for declaration of unitary status.  
19 Okay. So we're keeping that one, right?

20 MR. HOOKS: Yes, sir.

21 THE COURT: Okay. Then we're keeping it. Now, that  
22 takes care of all the other motions.

23 Are there any other motions that are outstanding that  
24 I did not mention?

25 All right. I hear no negatives.

1 I will put orders in this afternoon on all of these  
2 motions, including an order on the scheduling order. So I will  
3 do that this afternoon or first thing in the morning, but it  
4 will be done then.

5 Now, is there anything else I need to discuss with  
6 you-all at this point? Anybody?

7 MR. HOOKS: Your Honor, this is John hooks. I don't  
8 believe so, Your Honor. But on behalf of the school district,  
9 we will endeavor right away to get these items to you, as the  
10 Court has requested. But, also, the parties have gone ahead  
11 and taken a look at, and agreed on, the various notices and  
12 publications and so on. So we will get those to you, Your  
13 Honor, also so that when we meet on the 1st, we are able  
14 expeditiously to get those notices out either later that day or  
15 on the 2nd so that the time frame lines up with our hearing  
16 date in October. So that information, I'll just say, it will  
17 be forthcoming. So if you receive that from us, that will be  
18 the reason why, Your Honor.

19 THE COURT: Okay. Now then --

20 MS. MERLE: Your Honor, I --

21 THE COURT: Who is speaking.

22 MS. MERLE: I'm sorry. This is Natasha. I just had  
23 one clarification question that I had for you, Your Honor.

24 THE COURT: Okay.

25 MS. MERLE: You asked earlier about district data.

1 You were asking about race -- race data regarding the gifted  
2 students and, I believe, the economic data.

3 Were you interested in the plaintiffs sending you the  
4 data that we had from 2018? I checked, and the most recent we  
5 would have goes back to 2017/2018. Are you interested in that,  
6 or is that something you wanted the school district to send to  
7 you?

8 THE COURT: Yes, send it. Let me look at it.

9 MS. MERLE: Okay.

10 THE COURT: So, yes, I'm interested in it.

11 MS. MERLE: Okay, Your Honor.

12 THE COURT: Well, have you sent this already?

13 MS. MERLE: I'm sorry?

14 THE COURT: Have you sent any of this already?

15 MS. MERLE: No, no. The -- no. No, Your Honor.

16 THE COURT: Okay. Well, go ahead and send it then.

17 All right? I just know you've sent a lot of material, and so I  
18 just wanted to be sure that you haven't already sent it,  
19 because I don't want to you do it twice if you've already sent  
20 it.

21 All right. Is there anything else from anyone then?

22 (No response)

23 THE COURT: All right. I thank you-all for the  
24 conference. I look forward to talking to you-all in September.  
25 I'll talk to you then.

(Hearing Concluded)

CERTIFICATE OF REPORTER

I, Amy Key, Official Court Reporter, United States District Court, Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true and correct transcript of the proceedings had in the aforementioned case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

This the 19th day of July, 2021.

s/ Amy Key  
Amy Key, RPR, CCR  
Official Court Reporter